

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DESIMONE HOSPITALITY SERVICES, LLC,

Plaintiff,

v.

Lead Civil Action No.: 2:14-14845

WEST VIRGINIA-AMERICAN WATER COMPANY,

Defendant.

ORDER

Pursuant to the companion memorandum opinion and order entered this date contemporaneously herewith, it is ORDERED that the following thirty-four cases in this consolidated action, each of which names as its sole defendant West Virginia-American Water Company, be, and they hereby are, remanded to the respective state circuit courts from which they were removed:

Cases solely against West Virginia-American Water Co.	
CASE NO.	PLAINTIFF(S)
2:14-14890	Brogan, Jason
2:14-14887	Buffalo Volunteer Fire Dept., Inc.
2:14-14895	Gravely, Richard
2:14-14893	J.E., individually and on behalf of their minor child, K.E.
2:14-14896	Miller, Scott, et al.
2:14-14870	Town of Buffalo (The)
2:14-14885	Barber, Mary
2:14-14871	Briscoe, Ronnie Allen, et al.
2:14-14845	Desimone Hospitality Services, LLC
2:14-14873	Desimone, Jr., William, et al.

2:14-14879	Deweese, Christopher M., et al.
2:14-14877	Deweese, Gary N., et al.
2:14-14889	EJ&K Enterprises, LLC, et al.
2:14-14892	Falbo & Monday, PLLC, et al.
2:14-14888	Forbis, Trent, et al.
2:14-14884	Harris, Misty
2:14-14872	Hedrick, Deborah J.
2:14-14878	Johns, Geraldine
2:14-14880	Jordan, Christopher
2:14-14882	Jordan, Margie
2:14-14866	Little Bo Peep Daycare, et al.
2:14-14868	Maid In The USA, Inc.
2:14-14894	Medley, Melissa Jean
2:14-14876	Moore, Darrell L., et al.
2:14-14874	Newhouse, Larry, et al.
2:14-14899	Ord, Kristy, et al.
2:14-14881	Sandylou & Tiffany 2, LLC dba Angaleno's Pizza
2:14-14886	Shamblin, Warren, et al.
2:14-14898	Stewart, Daniel Cleve
2:14-14867	Tucker, Bobby L., et al.
2:14-14869	Tucker, Otis, et al.
2:14-14875	Wellington's, Inc.
2:14-14891	AM & GH, LLC , et al.
2:14-14900	Adelphia, et al.

It is ORDERED that the above cases be, and they hereby are, stricken from the docket of the court.

In the following thirteen cases in this consolidated action, in which both the debtor Freedom Industries, Inc. ("Freedom") and West Virginia-American Water Company are named as defendants, it is ORDERED that claims against West Virginia-American Water Company be, and they hereby are, severed from the claims against Freedom. It is further ORDERED that the claims

against West Virginia-American Water Company be, and they hereby are, remanded to the respective state circuit courts from which they were removed:

Cases against Freedom & West Virginia-American Water Co.	
CASE NO.	PLAINTIFF(S)
2:14-14848	Fields, Maddie P.
2:14-14847	Hardman, Noel, et al.
2:14-14883	Konnovitch, Nick
2:14-14859	Kuppel, LLC, et al.
2:14-14860	Larwa, Shannon, et al.
2:14-14849	Rodoco, Inc. dba Donut Connection, et al.
2:14-14851	Dyer, Susan K., individually and on behalf of all others similarly situated
2:14-14864	Hair We Are, Inc.
2:14-14856	Joe Fazio's Restaurant, Inc.
2:14-14901	Kanawha Gourmet Sandwiches, LLC, individually and on behalf of all others similarly situated
2:14-14862	Levin, John, et al.
2:14-14858	Nelson, John, et al.
2:14-14855	Pray Construction Company, et al.

It is further ORDERED that in the case of Mahood et al. v Freedom Industries Inc., No. 2:14-14853, in which plaintiffs bring claims against Freedom, West Virginia-American Water Company, and Dennis Farrell, claims against West Virginia-American Water Company and Dennis Farrell be, and they hereby are, severed from the claims against Freedom. It is further ORDERED that the claims against West Virginia-American Water Company and Dennis Farrell be, and they hereby are, remanded to the Circuit Court of Kanawha County.

It is further ORDERED that in the following two cases, in which plaintiffs bring claims against Freedom, West Virginia-American Water Company, and various John Doe defendants, claims against West Virginia-American Water Company and the John Does be, and they hereby are, severed from the claims against Freedom. It is further ORDERED that the claims against West Virginia-American Water Company and the John Does be, and they hereby are, remanded to the state circuit courts from which they were removed:

Cases against Freedom, West Virginia-American Water Co. and John Doe Defendants	
CASE NO.	PLAINTIFF(S)
2:14-14850	EG&K, Inc., et al.
2:14-14865	Gurski, June

It is further ORDERED that in the following two cases, in which plaintiffs bring claims against Freedom, West Virginia-American Water Company, and American Water Works Service Company, Inc., claims against West Virginia-American Water Company and American Water Works Service Company, Inc. be, and they hereby are, severed from the claims against Freedom. It is further ORDERED that the claims against West Virginia-American Water Company and American Water Works Service Company, Inc. be, and they hereby are, remanded to the Circuit Court of Kanawha County:

Cases against Freedom, West Virginia-American Water Co. and American Water Works Service Company, Inc.	
CASE NO.	PLAINTIFF(S)
2:14-14854	Harvey, Von
2:14-14846	Shape Shop, Inc., et al.

Finally, the court ORDERS that the claims against Freedom in all of the above-named actions and in the remaining four actions below be, and they hereby are, stayed pending the resolution of the Freedom bankruptcy:

Cases solely against Freedom	
CASE NO.	PLAINTIFF(S)
2:14-14852	5 Corners Café, LLC, et al.
2:14-14861	Christian, Cornellisus D.
2:14-14857	Gandee, Laura, individually and as representative of others similarly situated
2:14-14863	Graziano Investments, Inc., et al.

The Clerk is directed to send a copy of this order to counsel of record and any unrepresented parties, along with Mark E Freedlander, Esq., McGuireWoods LLP, 625 Liberty Avenue, 23rd Floor, Pittsburgh, PA 15222.

DATED: December 17, 2015



Judge John T. Copenhaver, Jr.
United States District Judge